

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA
 FLORENCE DIVISION

Quinton Sentell Fowler,)	
)	
Plaintiff,)	
)	
vs.)	C/A No.: 4:12-1900-TLW
)	
Vincent R. Flamini; Allen Rhodes;)	
Robert Drulis; William Nida;)	
and Bobby G. Frederick,)	
)	
Defendants.)	
)	

ORDER

Plaintiff, Quinton Sentell Fowler (“plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983 on July 9, 2012 challenging his arrest by local law enforcement officers, among other things. (Doc. #1). Plaintiff seeks a declaratory judgment, a preliminary injunction, compensatory damages of one million dollars against each defendant, punitive damages of one million dollars against each defendant, a jury trial, court costs, and any other relief deemed just, proper, and equitable by this Court.

Plaintiff is a federal detainee at the Florence County Detention Center in Effingham, South Carolina. On March 27, 2012, in United States v. Quinton Sentell Fowler, a/k/a Quarter, Crim. No. 4:11-cr-2162-TLW, plaintiff entered a plea of guilty to one count of conspiracy to distribute cocaine and cocaine base.¹ In his complaint, plaintiff challenges, among other things, his arrest by local law enforcement officers on September 19, 2011. (See Doc. #1).

¹ A District Court may take judicial notice of its own records. Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989) (“The most frequent use of judicial notice of ascertainable facts is in noticing the content of court records.”) (internal citations omitted); Mann v. Peoples First Nat'l Bank & Trust Co., 209 F.2d 570, 572 (4th Cir.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) issued on July 11, 2012 by United States Magistrate Judge Thomas E. Rogers, III, to whom this case was previously assigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). (Doc. #9). In the Report, the Magistrate Judge recommends that this case be dismissed without prejudice and without service of process. (Doc. #9). The plaintiff filed objections to the Report on July 26, 2013. (Doc. #11). Additionally, the plaintiff filed an “Affidavit of Truth” in support of his objections on August 13, 2012. (Doc. #13).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court’s review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge’s findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has carefully reviewed, de novo, the Report and Recommendation, the plaintiff’s objections thereto, and the plaintiff’s affidavit. It is hereby

1954) (approving district court’s taking judicial notice of proceedings had before it in prior suit with same parties). See also Aloe Creme Labs., Inc. v. Francine Co., 425 F.2d 1295, 1296 (5th Cir. 1970).

ORDERED that the Magistrate Judge's Report and Recommendation (Doc. #9) is **ACCEPTED**.

Therefore, for the reasons articulated by the Magistrate Judge, this case is **DISMISSED** without prejudice and without service of process.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

Chief United States District Judge

May 28, 2013
Columbia, South Carolina